
Necessary Vote on Action by The House

Special Order

To make Special Order requires majority vote for Appropriations Bills and local bills, on all other bills requires a majority vote after approval by two-thirds of the Rules Committee. (Rule 6.3 (14)(b))

Constitutional Amendment

“To pass measure submitting amendment thereto to the electors requires ‘two-thirds of the members elected’ 83 yeas. (Const., Art. XVI, Sec. 1). Yeas and Nays required on one Reading only.”

When a proposed Constitutional Amendment is substantially changed by a Senate Amendment it is required to have three Readings in the changed form; one of these Readings must be agreed to by a two-thirds (roll call) vote of the membership. (83 yeas) (See 1966 House Journal pp. 2032 & 2210)

To pass a bill ratifying same at the **next session after approval** at a general election requires “a majority of each branch,” by yeas and nays (Const., Art. XVI, Sec. 1), that is “**a majority of those voting**, a quorum being present.” Yeas and Nays required on Second Reading only.

Constitutional Convention

To pass a measure submitting calling of same to the electors requires “two-thirds of the members elected,” that is, 83 votes. (Const., Art. XVI, Sec. 3)*

Dispensing with Reference Printing Report

With reference to committee on first reading. Unanimous consent. (Rule 5.6)

With printing **two-thirds of members present**. (Rule 5.14)

Expulsion of a Member

Requires “the concurrence of a two-thirds of those voting.” (Const., Art. III, Sec. 12)*

Impeachment

Of an officer by the House requires **“two-thirds of all the members elected”** (83 years). (Const., Art. XV, Sec. 1)

Reconsideration of Question

After refusal to reconsider or affirmation of the first decision requires unanimous consent for further motion. (Rule 8.14)

Removal of Officer

By the Governor for neglect or cause. Requires “the address of two-thirds of each House,” by yeas and nays. (Const., Art. XV, Sec. 3) See ***Supreme Court Decisions** below.

Rules of the House

To rescind, suspend or alter (except Rule 6.1): Requires vote of **“two-thirds of the members present,”** after Report of Rules Committee on written Resolution. (Rule 4.15) Except that a Rule may be amended by a simple majority of the House during the month of January of each year.

Amendments on Third Reading

To offer amendment (except by chairman of Ways and Means Committee, if he gave notice at second reading of Supply or Appropriations Bill), or amendment by committee after bill has been committed or recommitted. **Unanimous consent.** (Rule 9.2)

Time of Daily Meeting

To change same from time set by Rules. Requires majority of those present. (Rule 6.1)

Veto by the Governor

To pass a bill (or item or section therein) over same, requires “two-thirds of each House,” that is, **two-thirds of those voting** a quorum being present. Taken by yeas and nays, which **shall be entered on the Journals of both Houses.** (Const., Art. IV, Sec. 21)

S. C. Const., Art. IV, Sec. 21. Every bill or joint resolution which shall have passed the General Assembly, except on a question of adjournment, shall, before it becomes a law, be presented to the Governor, and if he approves he shall sign

it; if not, he shall return it, with his objections, to the House in which it originated, which shall enter the objections at large on its Journal and proceed to reconsider it. If after such reconsideration two-thirds of that House shall agree to pass it, it shall be sent, together with the objections, to the other House, by which it shall be reconsidered, and if approved by two-thirds of that House it shall have the same effect as if it had been signed by the Governor; but in all such cases the vote of both Houses shall be taken by yeas and nays, and the names of the persons voting for and against the bill or joint resolution shall be entered on the Journals of both Houses respectively.

*Supreme Court Decisions

“When the Constitution speaks of ‘two-thirds of that House’ as the vote required to pass a bill or joint resolution over the veto of the Governor, it means two-thirds of the House as then legally constituted and acting upon the matter. Whenever the framers of the Constitution intended otherwise, the purpose was expressly declared as in Art. XV, Sec. 1, ‘a vote of two-thirds of **all members elected** shall be required for an impeachment,’ and in Art. XVI, Sec. 1, where, in proposing amendments to the Constitution, ‘two-thirds of the members **elected** to each House’ must agree thereto.” **Smith v. Jennings**, 67 S. C. 324, 45 S. E. 821 (1903).

YEA AND NAY VOTE not required on each reading—There is no requirement in Art. XVI, Sec. 1 of the Constitution that the yea and nay vote shall be taken on each reading of the proposed amendment the wording thereof being merely that it shall be agreed to by two-thirds of the members elected to each House and entered in the Journals respectively, and the yea and nay vote, taken on the second reading, meets the requirements of this Section. **Thompson v. Livingston**, 116 S. C. 412, 107 S. E. 581, 583 (1921).

Rules of The House of Representatives

Adopted December 5, 2006

Rule 1.

The Speaker

Speaker Pro Tempore

1.1 The Speaker shall take the chair on every legislative day precisely at the hour to which the House adjourned at the last sitting, immediately call the members to order, cause prayer to be said, the Journal of the previous proceedings to be corrected, and if a quorum be present, proceed to other business.

1.2 The Speaker shall preserve order and decorum, and, in case of disturbance or disorderly conduct in the galleries, or in the lobby, may cause the same to be cleared. Any person guilty of contempt of the House may be ordered into custody by the House and dealt with as it deems proper.

1.3 If any member, in speaking or otherwise, transgresses the Rules of the House, the Speaker shall call him to order, or any member may call such transgressions to the attention of the Speaker who shall call the transgressor to order. If repeated cries of order are ineffective, the Speaker may call a member by name, and if the Speaker deems it necessary, he shall state the offense committed. The member may be heard in his exculpation and shall withdraw, and the House shall consider his punishment or any further proceedings to be had.

1.4 The Speaker shall sign all acts, joint resolutions, memorials, writs, warrants, and authorizations for payment or other papers authorized by the House.

1.5 The Speaker shall decide all points of order, subject to an appeal by any member, and he may require the member raising a point of order to cite the Rule or other authority in support of the question. With unanimous consent, a member may withdraw a point of order the member has raised. Upon appeal, no member shall speak more than once and for no longer than twenty minutes each, except by permission of the House.

1.6 The Speaker may vote in all cases (except when he may be personally or pecuniarily interested). If the House be equally divided, the question shall be decided in the negative.

The presiding officer may give information or explain any matter before the House; he may speak on points of order in preference to other members, and as often as he may deem necessary, but he shall not enter into any debate or endeavor to influence any question before the House while presiding. *Provided*, the Speaker, in his discretion, may address the body concerning matters of importance to the House.

1.7 The Speaker shall be elected on the opening day of the organizational session by the membership of the House.

1.8 The Speaker *Pro Tempore* shall be elected on the opening day of the organizational session. The Speaker *Pro Tempore* shall preside in the absence of the Speaker. *Provided*, the Speaker or the Speaker *Pro Tempore*, whoever may be presiding at the time, may name a member to preside, but such substitution shall not extend beyond an adjournment. In the absence of the Speaker and the Speaker *Pro Tempore* for more than one day, the House may elect a Speaker *Pro Tempore* to serve until the return of the Speaker or Speaker *Pro Tempore*. When the Speaker *Pro Tempore* is absent for more than three consecutive statewide legislative days, the House of Representatives may elect an acting Speaker *Pro Tempore* who shall serve until the return of the Speaker *Pro Tempore*. The acting Speaker *Pro Tempore* may continue to serve on any committee to which he has been appointed.

1.9 All committees shall be appointed by the Speaker, unless otherwise provided for by law, except Senatorial and Gubernatorial appointees and *ex officio* members of the House. The Speaker shall name the members constituting each committee in alphabetical order. The Chairman shall be elected by the respective committees during the organizational session. If any subsequent vacancy shall occur in a committee's chairmanship, the election of a new committee chairman shall take place at the time and date to be set by the presiding officer of the respective committee. The committees may at their discretion elect a Vice-Chairman and such other officers as they may choose.

1.10 The Speaker is responsible that all amendments ordered by the House be correctly made and that the attention of the House be called to all amendments made by the Senate since

the matter was before the House. All Senate amendments to matters previously considered by the House and all House amendments to matters previously considered by the Senate shall, after adoption, be printed by use of distinctive type interlineation in such a manner as to reflect in one text the original version and the language of the amendment.

1.11 If the Speaker or Speaker *Pro Tempore* resigns from such position, he shall submit his resignation to the Clerk of the House in writing. This procedure shall be followed in the case of the resignation of any elected officer of the House.

1.12 In case of emergency, the Speaker has the authority, when, in his opinion, it is impractical or dangerous to hold a regularly scheduled session(s) of the House of Representatives, to declare the body adjourned to some other time. Such actions are to be taken only in times of great emergency including, but not limited to, natural disasters, severe weather, and Acts of God.

When, due to great emergency or through inadvertence, the House is adjourned without provision for the next meeting, the Speaker may issue a call specifying the time for the next meeting.

Rule 2

Elected Officials

Clerk, Reading Clerk, Chaplain, and Sergeant At Arms

2.1 The Clerk shall be elected by the membership of the House for a term of two years. This election will take place on the opening day of the organizational session.

2.2 The Clerk of the preceding session shall, at the beginning of the organizational session of the House, call the members to order, proceed to call the roll of members in alphabetical order, and pending election of a Speaker, Speaker *Pro Tempore*, or temporary officers, preserve order and decorum, and decide all questions of order subject to appeal by any member. The duties of this section may be delegated by the Clerk to any member of the House.

2.3 The Clerk shall cause to be kept a correct Journal of the proceedings of the House, and this Journal shall be numbered

serially from the first day of each session of the Legislature. He shall not permit any books or papers belonging to the House to be taken out of his custody other than in the regular course of business and then upon receipt when he deems necessary. He shall report any missing papers to the Speaker.

2.4 The Clerk of the House shall cause to be prepared and laid on the desks of the members every morning an itinerary of the day's business to be called the Calendar. This Calendar shall include the orders of the preceding day and all continued matters arranged according to priority, and numbered from the commencement of the session, every matter being introduced and newly numbered after every new order upon it.

2.5 The Clerk shall assist, under the direction of the Speaker, in taking roll call or division votes.

2.6 The Clerk shall issue all pay certificates for *per diem* and mileage and incidental expenses upon the order of the Speaker, the signature of the Speaker being attested by the Clerk. The Clerk shall also attest to all writs and warrants and to the passage of all bills, resolutions, and memorials.

2.7 The Clerk shall prepare in writing, present to the Speaker for his signature, and send all messages to the Senate and elsewhere as ordered by the House.

2.8 The Clerk shall also be charged with the duty of having executed, in a prompt and accurate manner, all the printing required by the Rules or orders of the House.

2.9 The Reading Clerk shall be elected by the membership of the House for a term of two years. This election will take place on the opening day of the organizational session.

2.10 The Reading Clerk shall read all papers to be read at the desk, which the Speaker may direct him to read and shall assist in taking any roll call votes at the Speaker's direction. Upon ordering of a roll call vote, or upon a quorum call, the electronic roll call system is to be used following the procedure of Rule 7.3. When the electronic roll call system is not operating in any manner, the Reading Clerk shall call the roll and take the names of all who vote "yea" and all who vote "nay" which shall be entered in the Journal and the provisions of Rule 7.3 shall not apply. If, during the course of an ordered

electronic roll call, the electronic roll system malfunctions, in such a manner that the number of aye votes and the number of nay votes are recorded but the names of the members so voting are not recorded, the vote shall stand, and any member desiring to publish a record of his individual vote may submit a statement which shall be printed in the House Journal. If, during the course of an ordered electronic roll call, the electronic roll call system malfunctions in such a manner as to record no accurate information as to the vote totals, the question shall be resubmitted and the Reading Clerk shall call the roll of the members as hereinabove specified.

Provided, however, in the case of a malfunction in the electronic roll call where the roll call to be taken is mandated by the Constitution or Statutes, any malfunction will void the roll call and it will be retaken.

Provided, that whether the ayes and nays are taken by electronic roll or otherwise, they shall be recorded by the Clerk in the Journal.

2.11 The Chaplain shall be elected by the membership of the House for a term of two years. This election will take place on the opening day of the organizational session.

2.12 The Chaplain shall provide spiritual guidance for the membership of the House.

2.13 The Sergeant at Arms shall be elected by the membership of the House for a term of two years and shall be under the direct supervision of the Speaker of the House. This election will take place on the opening day of the organizational session.

2.14 The Sergeant at Arms shall assist the Speaker in maintaining order and decorum.

2.15 The duties of the Sergeant at Arms, shall be as provided for in Chapter 3 of Title 2, Code of Laws of South Carolina, 1976, as amended.

2.16 The Sergeant at Arms may designate, subject to the approval of the Speaker, other staff members of the House to assist the Speaker and the Sergeant in performing such duties as they may direct, in accordance with Chapter 3 of Title 2, Code of Laws of South Carolina, 1976.

Rule 3

Members and Membership

3.1 Every member shall be within the House Chamber during its sittings unless excused or necessarily prevented, and may vote on each question put, except that no member shall be permitted to vote on any question immediately concerning his private rights as distinct from the public interest.

3.2 The Speaker may excuse any member from attendance on the House and its committees for any stated period upon reason shown, and such excused absence shall be noted in the Journal.

3.3 Any member absenting himself from attendance on the House or its committees and having in his possession any original papers relating to the business before the House, shall leave such original papers with the Clerk before departing from the Capitol.

3.4 Any member who enters after the roll call at the opening of the daily session and notifies the Clerk in writing shall thereafter be shown as present for such day. *Provided*, that no person except those recorded present shall be eligible for subsistence for that day.

3.5 In cases of contest for a seat in the House, notice setting forth the grounds of such contest shall be given by the contestant to the House within three calendar days after the House first convenes, and in such case, the contest shall be determined by majority vote as speedily as reasonably possible.

3.6 When the House is called to order, every member shall take his seat and shall act with decorum at all times when the House is in session. Every member, when about to speak, shall rise from his seat and respectfully address himself to "Mr. Speaker" and shall avoid disrespect to the House or the Senate and all personalities, observe decency of speech, and shall confine himself to the question under consideration.

The Speaker, when duly addressed by a member, shall hear from the member who, in the Speaker's opinion, shall arise first, by identifying the member. The Reading Clerk shall not turn on any member's microphone until the Speaker has recognized that person.

3.7 No employee of the House shall personally interest or concern himself with the passage or consideration of any measure whatsoever. If any employee does so, it shall be grounds for summary dismissal. While within the House Chamber during session, no one may personally, or in an official or representative capacity, concern himself with the passage or consideration of any measure whatsoever, except sitting members of the General Assembly and House staff in the usual and ordinary performance of their duties as an employee of the House. The Speaker may require immediate removal from the House Chamber of any person, who violates the provisions of this Rule.

3.8 No member shall speak more than twice on the same question without leave of the House, except merely to explain his meaning, even if the debate on the question should be continued for many days. In the case of a matter requiring more than one reading, this limitation applies separately to each reading, *provided*, however, notwithstanding that a matter may move from the uncontested to contested Calendar or vice versa within the same reading, the limitation applies to the entire reading. If a member has the floor and is addressing the body, he shall not lose the floor by asking a question of any member of the body.

3.9 If any member shall be absent without leave and a quorum is not present, the Speaker shall instruct the Sergeant at Arms or appoint other authorized persons to send for such member or members and take them into custody. The outer doors to the Chamber shall be closed. The Speaker shall order that security personnel shall be posted at the outer doors of the Chamber and no member shall be permitted to leave the second floor of the State House without written leave of the Speaker. The Speaker may also order that security personnel be posted at all entrances to the State House to prevent members from leaving without authorization. An absent member who is taken into custody after the invocation of this Rule shall pay for all reasonable expenses incurred which shall include mileage at the prevailing rate for state employees. In addition, such absent member who is taken into custody shall forfeit his entitlement to subsistence and mileage for that legislative day and shall be subject to any additional

penalties the Speaker deems necessary. Should a quorum be present and ten members request, such absent member or members shall be sent for as herein provided and subjected to the same penalties. The Speaker shall strictly enforce the provisions of this Rule. *Provided*, however, in the case of a member not being present when Rule 3.9 is invoked and such member voluntarily returns without being taken into custody, he shall not be subject to the penalties of this section. The invocation of this Rule may be rescinded by a majority vote of those present and voting.

3.10 As soon as practicable, after the House has been organized, the seats of the members shall be allotted as follows:

The Clerk shall prepare a ballot for each county with only its name printed on it. These shall be put in a closed box. The Speaker shall then direct a person or persons to draw them out, one by one. As each ballot is drawn, the delegation from that county shall select their seats, in accordance with the county in which the member resides. In the event a member's district consists of more than one county, the member may elect to be seated with the delegation the member desires, provided the member indicates the preference to the Clerk of the House prior to balloting. No delegation may select more than one seat on the main aisle.

3.11 As soon as practicable, after the House has been organized, office space of members must be allotted as follows:

Each member shall choose an office in the Blatt Building on the basis of their seniority in the House in accordance with a floor plan prepared by the House Operations and Management Committee with the consent of the Speaker. A member who has served in the immediately preceding session shall have first preference on retention of his previously assigned office. The House Operations and Management Committee is authorized to make necessary adjustments in the assignment of office space with the consent of the Speaker when available space cannot be reasonably adjusted to conform with the county selections made pursuant to this subsection.

The provisions of this Rule do not apply to office space for the Speaker, Speaker *Pro Tempore*, Chairman of the Rules Committee, Chairman of the Invitations and Memorial